

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In The Matter of Charges and)
)
Complaint Against)
)
JEFFERY FISCH, M.D.,)
)
Respondent.)

Case No. 10-12808-1

FILED

JAN 11 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Benjamin J. Rodriguez, M.D., and Jean Stoess, M.A., by and through Edward Cousineau, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Jeffery Fisch, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a thirty-eight-year-old female at the time of the events at issue. Her true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A was treated by Respondent from May of 2004 until November of 2007. During this timeframe, Patient A was a gestational carrier who was able to successfully achieve pregnancy with the assistance of Respondent in 2005, 2006 and 2007, at his medical clinic which was located in Las Vegas, Nevada.

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4. The 2005 pregnancy resulted in an uncomplicated cesarean section. The 2006 pregnancy resulted in a complicated twin gestation where Patient A developed preeclampsia with HELLP syndrome leading to an emergency cesarean section at approximately thirty-four weeks gestation. Medical records of the operative procedure mention a focal area of placenta accreta requiring maneuvers to control Patient A's bleeding intraoperatively and that she received a blood transfusion.

5. In April of 2007, Patient A approached Respondent about once again serving as a gestational carrier. Medical records related to Patient A indicate at the time she was gravida 8, para 5, sAb2, ectopic 1. There are no indications in the medical records that a physical exam of Patient A was accomplished thereafter. In June of 2007, Patient A underwent an embryo transfer of three donor eggs which ultimately resulted in a chemical pregnancy loss. In October of 2007, Patient A underwent an embryo transfer of two donor eggs which resulted in twin gestation.

6. Patient A returned to her home in Oregon where she subsequently suffered from recurrent preeclampsia and vaginal bleeding from a placental previa with an accreta. Patient A was referred to a California hospital for further treatment. After three separate admissions for preeclampsia, Patient A underwent a cesarean hysterectomy at approximately thirty weeks gestation and was only discharged after a six-day treatment course. Both babies survived, but were required to spend five weeks in the hospital's Intensive Care Unit.

7. Section 630.301(4) of the Nevada Revised Statutes provides that malpractice, defined as the failure to use the reasonable knowledge, skill and expertise ordinarily used in similar circumstances, is grounds for discipline.

8. Respondent committed malpractice in the course of providing care and treatment to Patient A when he failed to recognize the many risks associated with Patient A's medical history, and that he failed to evaluate her thoroughly for these risks, or advise her or her primary obstetrician of the risks related to serving as a gestational carrier when she approached him about such in 2007, and is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

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1 **WHEREFORE**, the Investigative Committee prays:

2 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal
3 hearing;


4 2. That the Nevada State Board of Medical Examiners give Respondent notice of the
5 charges herein against him, the time and place set for the hearing, and the possible sanctions against
6 him;

7 3. That the Board determine what sanctions it deems appropriate to impose for the
8 violation committed by Respondent; and

9 4. That the Board make, issue and serve on Respondent its findings of facts,
10 conclusions of law and order, in writing, that includes the sanctions imposed.

11 DATED this 11th day of January, 2010.

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13 By: _____

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15 Edward Cousineau
16 Attorney for the Investigative Committee of the
17 Nevada State Board of Medical Examiners
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 11th day of January 2010, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, copy of Appointment Letter and Fingerprint Information, by mailing USPS certified mail to the following:

Jeffrey Fisch, M.D.
5320 S. Rainbow Blvd., Ste. 300
Las Vegas, NV 89118

Dated this 11th day of January 2010.



Angelia L. Donohoe
Legal Assistant